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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,393	10/22/2001	Robert D. Cook	FSP:0011	5345

7590 10/13/2005
Charles A. Mirho
112 West 37th Street
Vancouver, WA 98660

EXAMINER

MARCELO, EMMANUEL MONSAYAC

ART UNIT PAPER NUMBER

3654

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/003,393

Applicant(s)

COOK ET AL.

Examiner

Emmanuel M Marcelo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-16 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

EA

DETAILED ACTION

The Notice of Non-Compliant Amendment mailed September 23, 2004 was in error.

Therefore, this Office action is in response to the amended claims filed on September 9, 2004.

In view of the newly discovered prior art, the indication of claims 1-6 as being allowed is withdrawn. Any delay in the prosecution of this application is regretted.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-6, 8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is vague and indefinite. It is unclear as to whether or not the bar and the sleeve are aligned or if the bar and sleeve receives a pin because of the recitation "when when aligned may receive...".

With respect to claim 5, what constitutes a "standard" trailer hitch?

Claim 6 is vague and indefinite. It is unclear as to whether the holes in the bracket align with the pin because of the use of the conditional recitation "when aligned", line 2.

With respect to claim 8, line 1, "a nub" is set forth in claim 7, line 6. Setting forth the same element again amounts to a double inclusion. Also, it is unclear as to whether or not the mount receives either the bar and nub because of the use of "sized to receive".

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With respect to claim 10, the recitation of “the drive axle” and “the chuck” both lack positive antecedent basis in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent no. 6,086,083 to Wilks.

Wilks discloses an apparatus comprising: at least one bar 21; a sleeve sized 38 to fit over the at least one bar 21, the sleeve 38 comprising a nub (see figure below) having substantially the same width as the at least one bar 21; and a movable assembly (24-28, 30) comprising a spindle (see figure below) and a bracket 30, the bracket 30 is sized to fit over either of the at least one bar 21 and the nub; the sleeve is sized to receive a bar of a standard hitch.

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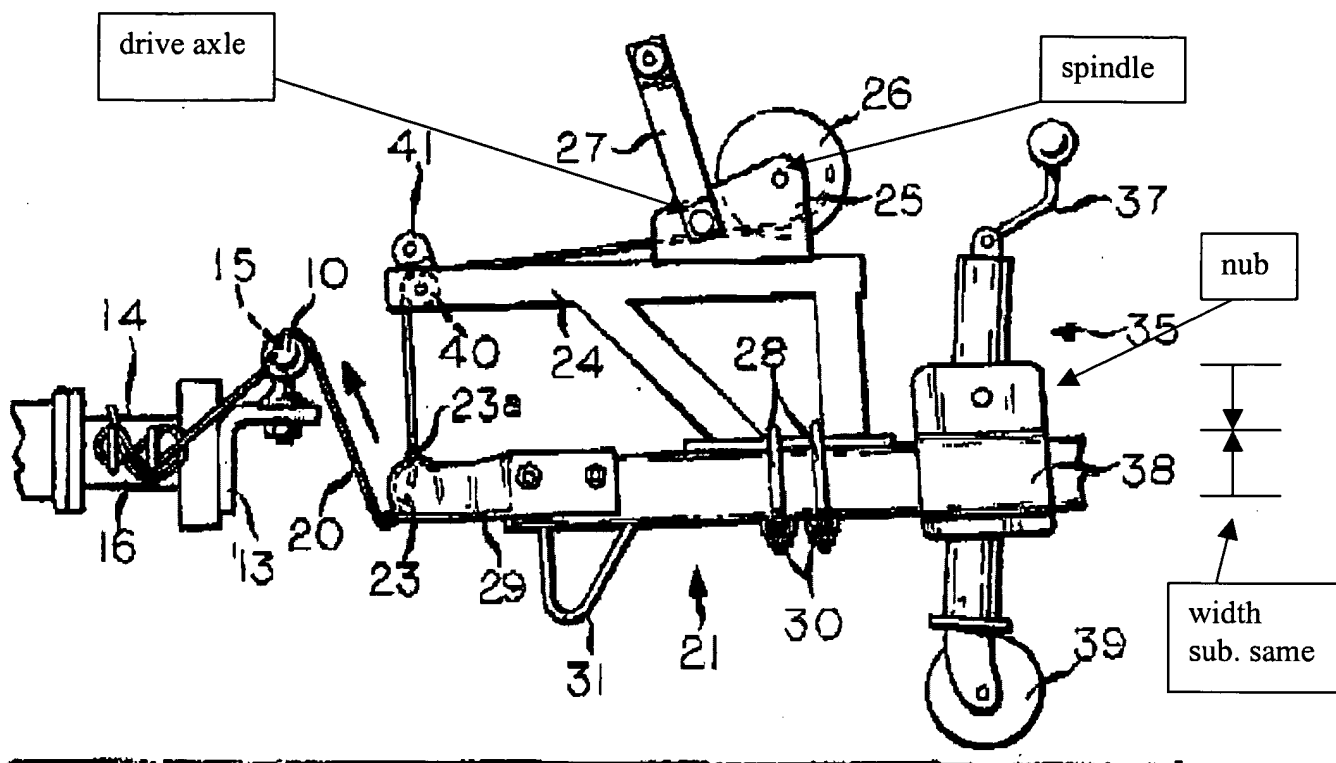
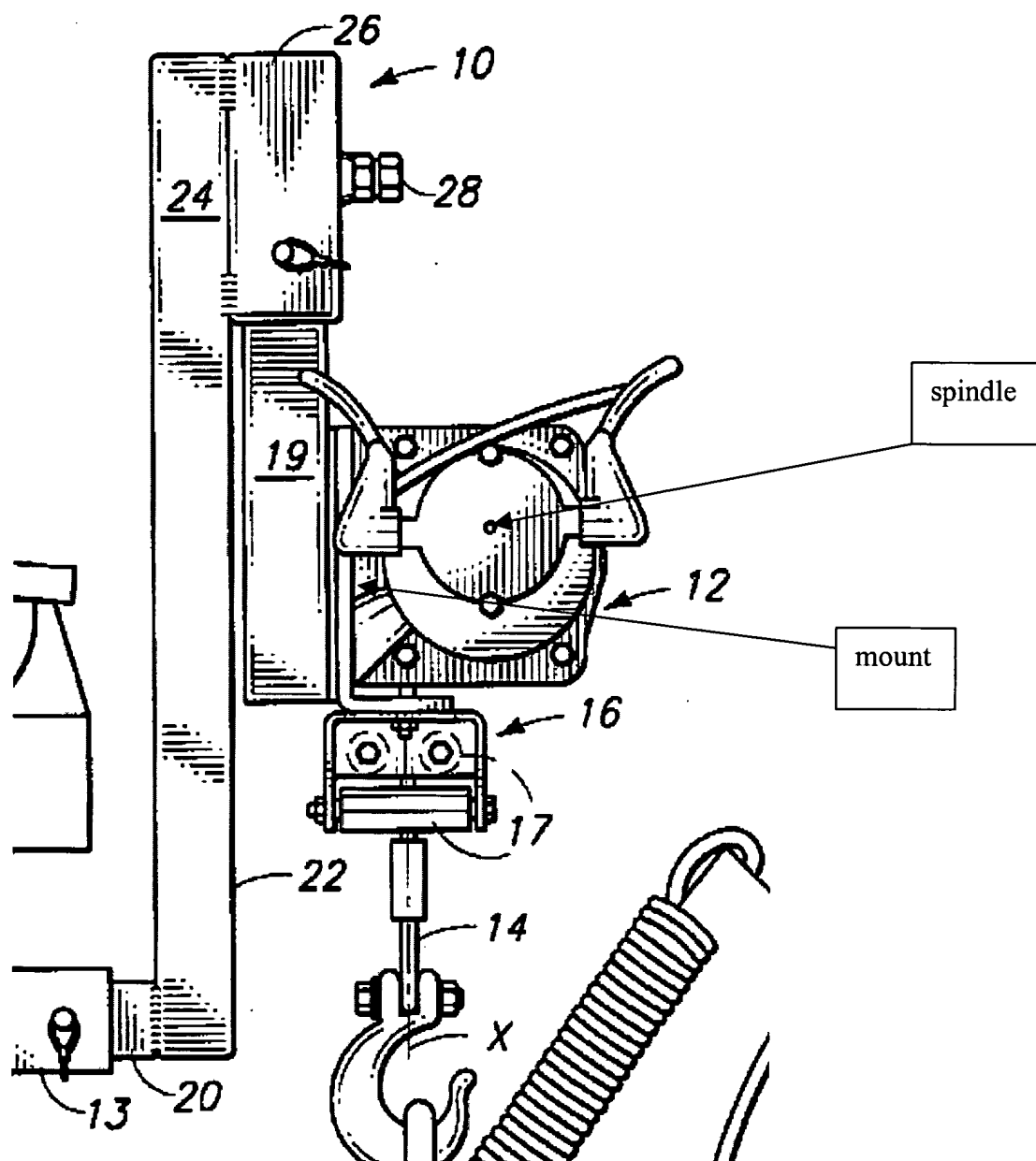


FIG. 2

With respect to claim 2, Wilks shows a drive axle (see diagram above) coupled by way of gears (not shown) to the spindle, the gears configured to amplify a torque applied to the drive axle and to apply the amplified torque to turn the spindle.

Claims 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent no 6,634,588 to Jackson.

With respect to claim 7, Wilkes discloses a boom 10 comprising at least one bar 24 and sleeve 26, and a movable spindle (see figure below); the sleeve 26 having a nub 19 sized to mount the movable spindle.



With respect to claim 8, the sleeve comprises a nub 19 having a width substantially the same as the width of the bar 24, and wherein the movable spindle comprises a mount sized to receive a width of either the bar and the nub.

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With respect to claim 9, the movable spindle comprises a drive axle and gears (not shown) to step up torque applied to the axle to turn the spindle.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkes in view of US Patent no. 4,290,584 to Eckels et al.

Wilkes is advanced above. Wilkes does not teach the use of a power drill. Eckels teaches the use of a power drill to quickly and easily attach to a winch for easily lifting up of a load. It would have been obvious to one of ordinary skill in the art to provide a power drill to the apparatus of Wilkes as taught by Eckels so that pulling line 20 will be easily accomplished.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson in view of Eckels et al.

Jackson is advanced above. Jackson does not teach the use of a power drill. Eckels teaches the use of a power drill to quickly and easily attach to a winch for easily lifting up of a load. It would have been obvious to one of ordinary skill in the art to provide a power drill to the apparatus of Jackson as taught by Eckels so that pulling the line will be easily accomplished.

Allowable Subject Matter

Claims 11-16 are allowed over the prior art of record.

Claim 11 is allowable over the prior art of record because the prior art of record does not teach or fairly suggest the entire combination of elements set forth including a mechanism to depress a power switch and a foot pedal assembly, lines 6-9.

Claim 13 is allowable over the prior art of record because the prior art of record does not teach or fairly suggest the entire combination of elements set forth including a base and a boom as set forth in lines 2-3.

Response to Arguments

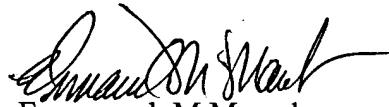
Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel M Marcelo whose telephone number is 571-272-6949. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Emmanuel M Marcelo
Primary Examiner
Art Unit 3654

emm

October 4, 2005